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Serial No. 10/085,421; filed 2/28/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: McDonald
Serial No.: 10/085,421
Filed: 2/28/02
Group Art Unit: 2856
Examiner: M. Cygan
Title: HEATED STAINLESS STEEL EMISSIONS CANISTER

Attn: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONMENT UNINTENTIONALLY UNDER 37 CFR 1.137(B)**

Dear Sir:

A Final Rejection in the above-referenced patent application was mailed on October 14, 2003. The sixth month period from the date of mailing of the Final Rejection expired on April 14, 2004.

An Amendment After Final was mailed within two months of the mailing date of the final rejection on December 15, 2004. The Advisory Action was mailed on February 19, 2004. A Notice of Appeal along with a Two Month Extension fee of \$420.00 and a Notice of Appeal fee of \$330.00 was mailed on April 19, 2004, which was a few days after the expiration of the sixth month period from the Final Rejection.

Adjustment date: 07/23/2004 HALI11
04/28/2004 MAHME1 00000031 10085421
01 FC:1401 -330.00 OP

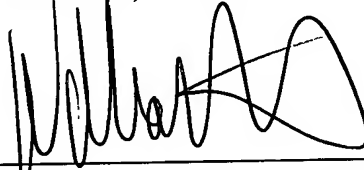
07/23/2004 HALI11 00000053 10085421
01 FC:1453 1330.00 OP

The entire delay in filing the required reply from the due date for the required reply until the filing of this Petition Under 37 CFR 1.137(b) was unintentional.

The two month extension fee mailed on April 19, 2004 took the Applicant to the end of the sixth month response time. However, the Notice of Appeal and the \$330.00 fee for the Notice of Appeal was unresponsive, since it was outside the sixth month response time. The present Petition requires a fee of \$1,330.00 under Rule 17(m). Since Applicant has already paid \$330.00, Applicant believes only \$1,000.00 is presently due. Applicant has enclosed a check for \$1,000.00. However, if any additional fees are due, the Commissioner is authorized to charge Deposit Account 50-1482 in the name of Carlson, Gaskey & Olds.

Respectfully submitted,

CARLSON, GASKEY & OLDS

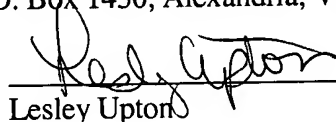


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(248) 988-8360

Dated: 7/20/04

CERTIFICATE OF MAIL

I hereby certify that the enclosed Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) and fee are being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 20, 2004.



Lesley Upton